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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201919
Party	Defendant Peter Futris, Marcey Futris
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Submission	Answer
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Date	11/14/2011
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LYRIC JEANS, INC.,

Opposer,

v.

PETER FUTRIS AND MARCEY FUTRIS,

Applicants,

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Opposition No. 91201919

Application No. 85244011

ANSWER TO NOTICE OF OPPOSITION

NOW COME Applicants, Peter Futris and Marcey Futris (sometimes jointly referred to hereinafter as “Applicants”), and make and file this their Answer to the Notice of Opposition filed by Lyric Jeans, Inc. (sometimes referred to hereinafter as “Opposer”) and for such Answer would respectfully show as follows:

1. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 1 of the Notice of Opposition and, accordingly, deny same.

2. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 2 of the Notice of Opposition and, accordingly, deny same.

3. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 3 of the Notice of Opposition and, accordingly, deny same.

4. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 4 of the Notice of Opposition and, accordingly, deny same.

5. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 5 of the Notice of Opposition and, accordingly, deny same.

6. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 6 of the Notice of Opposition and, accordingly, deny same.

7. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 7 of the Notice of Opposition and, accordingly, deny same.

8. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 8 of the Notice of Opposition and, accordingly, deny same.

9. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 9 of the Notice of Opposition and, accordingly, deny same.

10. Applicants admit the substance of the allegations contained within paragraph 10 of the Notice of Opposition.

11. Applicants deny the substance of the allegations contained within paragraph 11 of the Notice of Opposition.

12. Applicants deny the substance of the allegations contained within paragraph 12 of the Notice of Opposition.

13. Applicants lack specific, first-hand knowledge sufficient to admit or deny the factual averments of paragraph 13 of the Notice of Opposition and, accordingly, deny same.

14. Applicants deny the substance of the allegations contained within paragraph 14 of the Notice of Opposition.

15. Applicants deny the substance of the allegations contained within paragraph 15 of the Notice of Opposition.

16. Any of Opposer's allegations not specifically admitted above are denied.

17. Applicants assert that the respective parties' marks are different in sound, appearance, meaning, and commercial impression, and as a result there is no likelihood of confusion.

18. Applicants assert that Opposer does not own any trademark registration in International Class 14. Opposer has previously filed U.S. Application Serial No. 77917989 for the mark LYRIC CULTURE. Registration was refused for that application by the examining attorney on the grounds that the predominant feature of the mark, the first word "LYRIC," would create a likelihood of confusion with respect to the trademark LYRIC that was previously registered by a third party in International Class 14 under U.S. Trademark Registration No. 3033454. As a result, Opposer abandoned Application Serial No. 77917989. Likewise, Opposer has more recently filed four separate trademark applications in International Class 14, all of which have been refused registration in International Class 14 on this same basis, i.e., because the term "LYRIC" is the first, and therefore more salient, word in Opposer's marks. Opposer's trademark applications incorporating the first word "LYRIC" that currently stand refused for registration in International Class 14 are filed under U.S. Application Serial Numbers 85245079, 85245112, 85304159, 85304178.

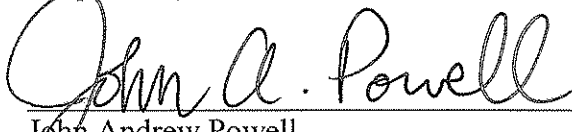
19. Applicants assert that Opposer's LYRIC CULTURE and LYRIC LOVER marks are not confusingly similar to Applicant's LEATHER LYRICS mark because the first word in each of Opposer's marks is the word "LYRIC," which is dissimilar and creates a different commercial impression in the minds of consumers than the word "LEATHER," which is the first term of Applicant's mark.

20. Applicant asserts that Opposer's LYRIC CULTURE and LYRIC LOVER marks (which are the respective subjects of Opposer's registration and application that are cited to the

Board in the Notice of Opposition) both incorporate a unique design element, namely, a musical clef symbol that makes them highly distinguishable from other marks that incorporate the word "LYRIC," especially with regard to marks where the word "LYRIC" is not the first or only word in the mark.

WHEREFORE, Applicants Peter Futris and Marcey Futris respectfully pray that Opposer's Notice of Opposition be denied, that this Opposition be dismissed, that Applicants' application for the trademark LEATHER LYRICS be allowed to proceed forward to registration on the Principal Register of Trademarks maintained by the United States Patent & Trademark Office, and for all other relief to which Applicants may justly be entitled herein.

Respectfully submitted,


John Andrew Powell
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Dated: November 14, 2011

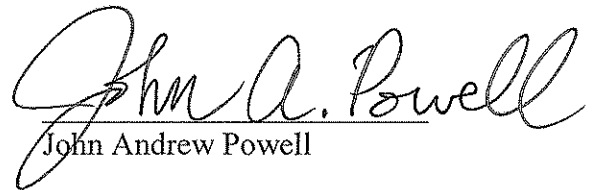
ATTORNEYS FOR APPLICANTS
PETER FUTRIS & MARCEY FUTRIS

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the above and foregoing Answer on:

Lile H. Deinard
Dorsey & Whitney, LLP
51 West 52nd Street
New York, NY 10019

by placing a copy of same in the United States Mail, first-class postage prepaid and addressed to her regular mailing address, on this 14th day of November, 2011.


John Andrew Powell